THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.11901 OF 2007

DATED: 17-07-2007

Between :

M/s.Taj Enterprises, rep. By its Proprietor,
Ranasthalam, Srikakulam District. .. Petitioner

And

The Joint Collector, Srikakulam District
And another. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.11901 OF 2007

ORDER :

The petitioner herein is engaged in the business of sale of Petroleum Products for which purpose he was granted Form-B licence under the Andhra Pradesh Petroleum (Licensing Regulation Supply) Order, 1980. The said licence was suspended for a period of six months vide proceedings of the 1st respondent dated 21-5-2007 on the ground that in the inspection conducted by the Civil Supplies Deputy Tahsildar on 20-2-2007, the petitioner refused to issue samples thereby violating condition 10 of the Form-B licence.

The said order dated 21-5-2007 is under challenge in this writ petition contending inter alia that the impugned order which was passed without giving personal hearing as required under Clause-28 (1) of the Control Order is arbitrary, illegal and violative of principles of natural justice. It is also contended that the inspection conducted by the second respondent on 20-2-2007 was not in accordance with the procedure prescribed under Clause 32(2) of the Control Order for entry, search, seizure etc.

This Court, while directing Rule Nisi, by order, dated 08-06-2007, granted interim suspension of the impugned order.

Though a counter-affidavit has been filed by the respondents, the specific allegation that the petitioner was not given an opportunity of personal hearing has not been denied.

A plain reading of clause-28 of the Control Order shows that it is mandatory to hear the licensee in person before passing an order of suspension. Hence, the impugned order being in violation of the statutory provision is liable to be set aside on that ground alone.

Accordingly, the impugned order is set aside and the Writ Petition is disposed of leaving it open to the respondents to pass appropriate orders

afresh following due process of law. No costs.

It is made clear that this Court has not expressed any opinion on the contention that the search of the business premises dated 20-2-2007 was not in accordance with the procedure contemplated under Clause-32 of the Control Order and the petitioner is at liberty to raise the said ground before the 1st respondent, in which event the respondents shall consider the same and pass in accordance with law.

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G. ROHINI, J.

Date: 17-7-2007
KLP